

ORIGINAL

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8/1/01

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DARRELL G. OBER,

Plaintiff

vs.

PAUL EVANKO, MARK
CAMPBELL, THOMAS COURY,
JOSEPH WESTCOTT,
HAWTHORNE CONLEY,
JOANNA REYNOLDS, AND
SYNDI GUIDO,

Defendants

NO. 1: CV-01-0084
(Judge Caldwell)

CIVIL ACTION - LAW

JURY TRIAL DEMANDED

FILED
HARRISBURG

AUG 6 5 2001

MARY E. DANORCA, CI
Per

9/8
DELOVILLER

**DEFENDANTS' MOTION FOR SANCTIONS PURSUANT
TO RULE 11 OF THE FEDERAL RULES OF CIVIL PROCEDURE
EXHIBIT B, AFFIDAVIT OF MAJOR R. DANE MERRYMAN**

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County of Dauphin :

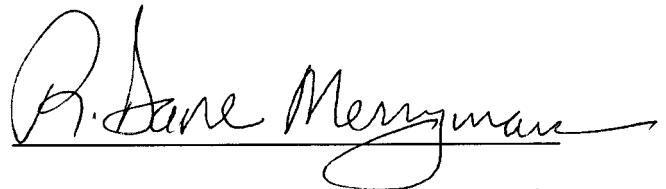
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AFFIDAVIT

I, Major R. Dane Merryman, being first duly sworn according to law, depose and say:

1. I, Major R. Dane Merryman am the Director of the PSP Bureau of Research and Development (R&D).
2. The Bureau is responsible for the processing of revisions to Department regulations.
3. I supervise the Programming Division that is responsible for the tracking and handling of revisions and amendments to Department regulations. The Systems and Procedures Section is a unit within that Division and is supervised by Sgt. Walter Margeson.
4. My Bureau processed the revisions to Administrative Regulation (AR) 1-1, **Organization**, Change Number 866 (dated 2-23-01), which included the addition of AR 1-1.02 C, **Chain of Command**.
5. The AR 1-1.02, in conjunction with AR 1-1, was processed in conformity with R&D and Departmental procedure, and disseminated to the various PSP Troops and Bureaus to complete Department preparations for its triennial Commission on Accreditation of Law Enforcement Agencies (CALEA) assessment, which occurred from April 7th through April 12th, 2001.
6. Subsequent to dissemination, and on or about March 23, 2001, I was contacted by PSP Captain Darrell G. Ober, who inquired about the origination of the language used in AR 1-1.02 C.
7. In response to his inquiry, and on or about March 23, 2001, I accessed the historical file of AR 1-1, queried Sergeant Margeson about the origin of the language of AR 1-1.02 C, and subsequently permitted Captain Ober to review the file.

8. Sergeant Margeson advised me that members of the Systems and Procedures Section had drafted the language of AR 1-1.02 C in response to a request from Major Washington, then Director of the Bureau of Emergency and Special Operations. The language was added to AR 1-1 after discussion between Sergeant Margeson and Captain Riley of the Bureau of Training and Education, and in order to respond to Major Washington's request to formally articulate in Department regulations the traditional chain of command practice and mentality as taught at the PSP Academy.
9. On or about March 23, 2001, and before April 2, 2001, I advised Captain Ober of the genesis of the language of AR 1-1.02 C, namely that the regulation revision was initiated and prepared in response to a request from Major Washington, as described in paragraph #8 of this affidavit.



Sworn to and subscribed before me this
19th Day of April 2001



Notary Public
My Commission Expires

NOTARIAL SEAL
VICKIE A. BUCHER, Notary Public
Susquehanna Township, Dauphin County
My Commission Expires June 25, 2003

